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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,200	12/21/2001	Guy William Welch Roberts	01.160.01	4508

7590 09/07/2005

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EXAMINER	
GELAGAY, SHEWAYE	

ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,200	ROBERTS ET AL.	
	Examiner	Art Unit	
	Shewaye Gelagay	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on June 13, 2005. Claims 1, 9, 10 and 19 have been amended. Claims 1-27 are pending.

Specification

2. In view of the amendment filed June 13, 2005, the Examiner withdraws the objection to the specification.

Claim Objections

3. In view of the amendment filed June 13, 2005, the Examiner withdraws the objection to claim 9.

Claim Rejections - 35 USC § 101

4. In view of the amendment filed June 13, 2005, the Examiner withdraws the 35 U.S.C. 101 rejections of claims 1-9.

Response to Arguments

5. Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive. In response to the arguments concerning the previously rejected claims, the following comments are made:

The applicant argues Bates et al. U.S. Patent 6,785732 (hereinafter Bates) fails to disclose "pre-emptively retrieving via an internet link addressed link addressed data that would be subsequently accessed by the user". The Examiner disagrees. Bates

discloses a virus checker and mechanisms for checking e-mails and their attachments, downloaded files and websites or any contained links for possible virus. (Col. 2, lines 10-21; Col. 2, lines 2-3) Furthermore, Bates discloses checking email-messages, web pages, and downloaded files and their links before passing them to the user. (Abstract; Col. 8, lines 1-3; Col. 11, lines 7-16) Therefore, if the email-message or web pages or a file has a link, it is checked before the user accesses the data using the link.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 8, 10-14, 17, 19-23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. United States Letter Patent Number 6,785,732.

As per claim 1:

Bates et al. teach a computer program product stored on a computer-readable medium for controlling a computer to scan data accessible via an internet link for malware, said computer program product comprising:

(i) address identifying code operable to identify within currently held data at least one internet address associated with said currently held data; (Col. 2, lines 11-47; Col. 4, lines 39-43; Col. 5, lines 44-46; Col. 9, lines 22-27; Col. 10, lines 59-63)

(ii) retrieving code operable to pre-emptively retrieve via said internet link addressed data that would be accessed by a user following said at least one internet address; (Abstract; Col. 5, lines 51- 57 and lines 65-67; Col. 6, lines 1-3 and lines 28-35; Col. 8, lines 1-3; Col. 9, lines 27-31; Col. 11, lines 4-16) and

(iii) scanning code operable to scan said addressed data for malware. (Col. 5, lines 65-67 and Col. 6, lines 1-3; Col. 8, lines 1-3; Col. 9, lines 31-45)

As per claim 2, 11 and 20:

Bates et al. teach all the subject matter as discussed above. In addition, Bates et al. further disclose a computer program product, a method and an apparatus comprising storing code operable to store result data identifying at least addressed data in which malware was not found. (Col. 6, lines 4-20)

As per claim 3, 12 and 21:

Bates et al. teach all the subject matter as discussed above. In addition, Bates et al. further disclose a computer program product, a method and an apparatus as claimed in claim 1, wherein said address identifying code is operable to search within said currently held data for string data having a format matching a pointer to an internet address. (Col. 6, lines 4-20)

As per claim 4, 13 and 22:

Bates et al. teach all the subject matter as discussed above. In addition, Bates et al. further disclose a computer program product, a method and an apparatus wherein said currently held data includes received e-mail messages. (Col. 6, lines 21-25)

As per claim 5, 14 and 23:

Bates et al. teach all the subject matter as discussed above. In addition, Bates et al. further disclose a computer program product, a method and an apparatus wherein said scanning code is operable to seek to detect within said addressed data one or more of:

computer viruses; (Col. 2, lines 11-12; Col. 4, lines 39-43)

worms;

Trojans;

banned computer programs;

banned words; or

banned images.

As per claim 8, 17 and 26:

Bates et al. teach all the subject matter as discussed above. In addition, Bates et al. further disclose a computer program product, a method and an apparatus wherein if malware is detected within said addressed data, then one or more malware found actions are triggered. (Col. 6, lines 27-36)

As per claim 10:

Bates et al. teach a method of scanning data accessible via an internet link for malware, said method comprising the steps of:

(i) identifying within currently held data at least one internet address associated with said currently held data; (Col. 2, lines 11-47; Col. 4, lines 39-43; Col. 5, lines 44-46; Col. 9, lines 22-27; Col. 10, lines 59-63)

(ii) pre-emptively retrieving via said internet link addressed data that would be accessed by a user following said at least one internet address; (Abstract; Col. 5, lines 51- 57 and lines 65-67; Col. 6, lines 1-3 and lines 28-35; Col. 8, lines 1-3; Col. 9, lines 27-31; Col. 11, lines 4-16) and

(iii) scanning said addressed data for malware. (Col. 5, lines 65-67 and Col. 6, lines 1-3; Col. 8, lines 1-3; Col. 9, lines 31-45)

As per claim 19:

Bates et al. teach an apparatus for scanning data accessible via an internet link for malware, said apparatus comprising:

(i) address identifying logic operable to identify within currently held data at least one internet address associated with said currently held data; (Col. 2, lines 11-47; Col. 4, lines 39-43; Col. 5, lines 44-46; Col. 9, lines 22-27; Col. 10, lines 59-63)

(ii) retrieving logic operable to pre-emptively retrieve via said internet link addressed data that would be accessed by a user following to said at least one internet address; (Abstract; Col. 5, lines 51- 57 and lines 65-67; Col. 6, lines 1-3 and lines 28-35; Col. 8, lines 1-3; Col. 9, lines 27-31; Col. 11, lines 4-16) and

(iii) scanning logic operable to scan said addressed data for malware. (Col. 5, lines 65-67 and Col. 6, lines 1-3; Col. 8, lines 1-3; Col. 9, lines 31-45)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 6, 9, 15, 18, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. United States Letter Patent Number 6,785,732 further in view of Hypponen et al. United States Publication Number 2003/0191957.

As per claim 6, 15 and 24:

Bates et al. teach all the subject matter as discussed above. Bates et al. do not explicitly disclose a system wherein said computer is a firewall computer via which internet traffic is passed to a local computer network.

Hypponen et al. in analogous art, however disclose a firewall that provides a secure gateway between the network and the Internet and a virus-scanning. (Page 2, paragraph 32 and Page 3, paragraph 41)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Bates et al. to include a computer that is a firewall computer via which internet traffic is passed to a local computer network. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Hypponen et al. (Page 2, paragraph 32) in order to have a system capable of scanning all the traffic coming from the Internet to the network.

As per claim 9, 18 and 27:

Bates et al. teach all the subject matter as discussed above. In addition, Bates et al. further disclose a computer program product, a method and an apparatus wherein said malware found actions including at least one of:

(i) preventing access to said currently held data; (Col. 6, lines 27-38)

(ii) removing said at least one internet address from said currently held data; (Col. 9, lines 66-67 and Col. 10, lines 1-2)

(iii) preventing access to said addressed data; (Col. 10, lines 43-47)

(iv) blocking internet access by a computer detected to be seeking to access said at least one internet address. (Col. 11, lines 4-6)

Bates et al. do not explicitly disclose removing said malware from said addressed data to generate clean addressed data and supplying said clean addressed data in place of said addressed data.

Hypponen et al. in analogous art, however disclose if a virus is one which can be removed from the data by the server, then the disinfection operation is performed and the repaired data and attached message are then forwarded to the original destination (Page 2, paragraph 38)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Bates et al. to include removing said malware from said addressed data to generate clean addressed data and supplying said clean addressed data in place of said addressed data. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Hypponen et al. (Page 2, paragraph 38) in order to forward data that has been repaired to the user and also quarantine viruses which cannot be removed.

10. Claims 7, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. United States Letter Patent Number 6,785,732 further in view of Razdan et al. United States Letter Patent Number 6,253,301.

As per claim 7, 16 and 25:

Bates et al. teach all the subject matter as discussed above. Bates et al. do not explicitly disclose wherein said addressed data is cached when it has been retrieved.

Razdan et al. in analogous art, however, disclose comparing a page address with a tag read from the duplicate tag indexed by the memory address and if there is a match, the data addressed by the memory address is cashed in the data store. (Col. 2, lines 25-30)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Bates et al. to include wherein said addressed data is cached when it has been retrieved. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so in order to store the retrieved addressed data for quick and frequent access.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shewaye Gelagay SG
8/29/05

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